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OK/HAV

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. Cr.S. 04-104 DFL
)	
Plaintiff,)	STIPULATION AND ORDER
)	RESETTING THE HEARING DATE
v.)	
)	
MARK ERCKERT,)	Date: August 24, 2006
)	Time: 10:00 a.m.
Defendants.)	Judge: Hon. David F. Levi
)	

The defendant Mark Erckert, by and through counsel Krista Hart, along with the plaintiff United States (government), by and through counsel Assistant U.S. Attorney Phil Ferrari, hereby stipulate and agree the hearing currently set for August 24, 2006, should be reset for September 28, 2006. The parties also agree the defendant's reply brief would be due by September 14, 2006.

It is further stipulated and agreed between the parties that the period of time from August 24, 2006, and September 28, 2006, should be excluded in computing the time within which the trial of the above criminal prosecution must commence for purposes of the Speedy Trial

1 Act. All parties stipulate and agree that this is an appropriate
2 exclusion of time within the meaning of Title 18, United States Code,
3 sections 3161(h) (8) (B) (iv) (Local Code T4).

4 The undersigned is currently in trial in Sacramento Superior Court
5 and anticipates beginning another trial immediately following the
6 completion of the first trial. The additional time is necessary to
7 prepare the reply and to ensure counsel is available for the hearing.

8 August 24, 2006

/s/ Krista Hart
Attorney for Mark Erckert

10 August 24, 2006

McGREGOR SCOTT
United States Attorney

13 /s/ Phil Ferrari
14 Assistant U.S. Attorney
(Signed by Krista Hart, per e-mail)

16 **O R D E R**

18 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

20 DATED: 8/24/2006

22 
23 DAVID F. LEVI
24 United States District Judge